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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Yu, Long et al.
Serial No. : 09/786,024 Examiner : Fronda, Christian L.
Filed : August 30, 1999 Group Art Unit : 1652
For : A NOVEL HUMAN LYSOZYME GENE, ITS ENCODED
POLYPEPTIDE AND THE METHOD OF PREPARING THEM

REQUEST FOR A REFUND

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop: Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

March 1, 2004

Date of Deposit

Rochelle K. Seide

Attorney/Agent Name

32,300

PTO Registration No.

Rochelle K. Seide
Signature

March 1, 2004

Date of Signature

Mail Stop: Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Upon reviewing the file history of the above-identified application, it has been discovered that Applicants have inadvertently overpaid fees. A Verified Statement Claiming Small Entity Status was filed in connection with this application on February 28, 2001, a copy of which is enclosed herewith. Nevertheless, Applicants inadvertently paid the following fees in the amount of a large entity:

<u>FEE</u>	<u>DATE</u>	<u>AMOUNT</u>
Additional Independent Claim	12/09/2002	\$164
3-Month Extension Fee	03/10/2003	\$930
Notice of Appeal Fee	03/10/2003	\$320
1-Month Extension Fee	06/09/2003	\$110
<u>Request for Continued Exam</u>	<u>06/09/2003</u>	<u>\$750</u>
Total		\$2,274

Applicants have enclosed herewith copies of the respective fee transmittal sheets and checks.

Based on these overpayment, Applicants are entitled to a refund calculated as follows:

Total		\$2,274
Small Entity Discount	—	<u>\$1,137</u>
Amount of Overpayment		\$1,137

Applicants believe that these fees were paid "by mistake" within the meaning of 35 U.S.C. § 42(d) since the error was in the amount of payment and not in the type of fee due. Accordingly, Applicants respectfully request a refund in the amount of \$1,137 pursuant to 35 U.S.C. § 42(d), 37 C.F.R. § 1.26, and MPEP § 607.02. The Commissioner is hereby authorized to credit such refund to Deposit Account No. 02-4377.

While Applicants do not believe that any fees are required with this paper, the Commissioner is hereby authorized to charge any fees occasioned by this submission to Deposit Account No. 02-4377. A duplicate of this page is enclosed.

Respectfully submitted,

BAKER BOTTS, L.L.P.



Rochelle K. Seide
PTO Reg. No. 32,300
Attorney for Applicants

Guy F. Birkenmeier
PTO Reg. No. 52,622
Agent for Applicants

BAKER BOTTS, L.L.P.
30 Rockefeller Plaza
New York, NY 10112
(212) 408-2500

March 1, 2004

Enclosures

While Applicants do not believe that any fees are required with this paper, the Commissioner is hereby authorized to charge any fees occasioned by this submission to Deposit Account No. 02-4377. A duplicate of this page is enclosed.

Respectfully submitted,

BAKER BOTTS, L.L.P.



Rochelle K. Seide
PTO Reg. No. 32,300
Attorney for Applicants

Guy F. Birkenmeier
PTO Reg. No. 52,622
Agent for Applicants

BAKER BOTTS, L.L.P.
30 Rockefeller Plaza
New York, NY 10112
(212) 408-2500

March 1, 2004

Enclosures

BAKER BOTTS LLP

FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 168

Complete if Known

Application Number	09/786,024
Filing Date	8/30/1999
First Named Inventor	Yu, Long
Examiner Name	Fronza, Christian L.
Group Art Unit	1652
Attorney Docket No.	A34054PCTUSA; 072975.0110

METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:
- Deposit Account Number **02-4377**
- Deposit Account Name **Baker Botts LLP**
- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
- ☐ Applicant claims small entity status. See 37 CFR 1.27
2. ☒ **Payment Enclosed:**
- ☒ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
740	370	Utility filing fee	
330	165	Design filing fee	
510	255	Plant filing fee	
740	370	Reissue filing fee	
160	80	Provisional filing fee	

SUBTOTAL (1) (\$) 0

2. EXTRA CLAIM FEES

Total Claims 20 ** = 0 X 84 = 0

Independent Claims 5 - 3 ** = 2 X 84 = 168

Multiple Dependent =

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description
18	9	Claims in excess of 20
84	42	Independent claims in excess of 3
280	140	Multiple dependent claim, if not paid
84	42	** Reissue independent claims over original patent
18	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 168

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
130	65	Surcharge - late filing fee or oath	
50	25	Surcharge - late provisional filing fee or cover sheet	
130	130	Non-English specification	
2,520	2,520	For filing a request for <i>ex parte</i> reexamination	
920*	920*	Requesting publication of SIR prior to Examiner action	
1,840*	1,840*	Requesting publication of SIR after Examiner action	
110	55	Extension for reply within first month	
400	200	Extension for reply within second month	
920	460	Extension for reply within third month	
1,440	720	Extension for reply within fourth month	
1,960	980	Extension for reply within fifth month	
320	160	Notice of Appeal	
320	160	Filing a brief in support of an appeal	
280	140	Request for oral hearing	
1,510	1,510	Petition to institute a public use proceeding	
110	55	Petition to revive - unavoidable	
1,280	640	Petition to revive - unintentional	
1,280	640	Utility issue fee (or reissue)	
460	230	Design issue fee	
620	310	Plant issue fee	
130	130	Petitions to the Commissioner	
50	50	Processing fee under 37 CFR 1.17(q)	
180	180	Submission of Information Disclosure Stmt	
40	40	Recording each patent assignment per property (times number of properties)	
740	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
740	370	For each additional invention to be examined (37 CFR § 1.129(b))	
740	370	Request for Continued Examination (RCE)	
900	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 0

SUBMITTED BY

Name (Print/Type)	Rochelle K. Seide, Ph.D.	Registration No. (Attorney/Agent)	32,300	Telephone	212-408-2500
Signature	<i>Rochelle K. Seide</i>	Date	December 9, 2002		

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BAKER BOTTS L.L.P.

ATTORNEYS AT LAW

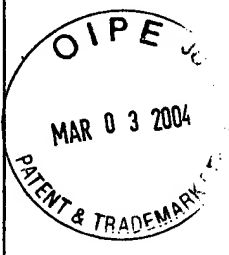
30 Rockefeller Plaza

44th and 45th floors

New York, New York 10112-0228

INQUIRIES:(212) 705-5000

TAXPAYER I.D. #74-1195457

Invoice No.	Date	Voucher	Gross Amount	Discount	Net Amount
I0077086	03/10/2003	GFB A34054PCTUSA 45f1r 994037	1,250.00	0.00	1,250.00
					
Check No.	171135	Check Date	03/10/2003	Vendor No.	11135
Vendor Name	COMMISSIONER OF PATENTS AND			Total Amount	1,250.00

Chase Bank, N.A.
New York, New York**BAKER BOTTS L.L.P.**

ATTORNEYS AT LAW

New York Operating Account

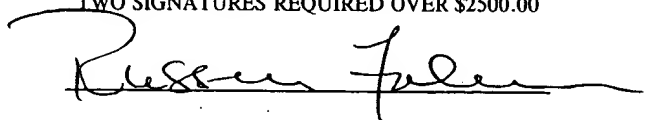
CHECK # 171135
DATE 03/10/2003 $\frac{1-2}{210}$

\$ *****1,250.00

PAY ONE THOUSAND TWO HUNDRED FIFTY AND 00/100 Dollars

NOT NEGOTIABLE SIX MONTHS
FROM THE DATE OF ISSUE

TWO SIGNATURES REQUIRED OVER \$2500.00

TO
THE
ORDER
OF
COMMISSIONER OF PATENTS AND
TRADEMARKS

⑈171135⑈ ⑆021000021⑆ ⑈967340306⑈

BAKER BOTTS L.L.P.ATTORNEYS AT LAW
30 Rockefeller Plaza
44th and 45th floors
New York, New York 10112-0228INQUIRIES: (212) 705-5000
TAXPAYER I.D. #74-1195457

INVOICE NO. 10112 0220 TAXPAYER I.D. #14-1195457

Invoice No.	Date	Voucher	Gross Amount	Discount	Net Amount
I0067348	12/09/2002	RKS 072975.0110 973410	marlene 45flr 168.00	0.00	168.00
Check No. 170329		Check Date 12/09/2002		Vendor No. 11135	
Vendor Name COMMISSIONER OF PATENTS AND				Total Amount 168.00	

Chase Bank, N.A.
New York, New York**BAKER BOTTS L.L.P.**
ATTORNEYS AT LAW
New York Operating AccountCHECK # 170329
DATE 12/09/2002 $\frac{1-2}{210}$

\$ *****168.00

PAY ONE HUNDRED SIXTY-EIGHT AND 00/100 Dollars

NOT NEGOTIABLE SIX MONTHS
FROM THE DATE OF ISSUE

TWO SIGNATURES REQUIRED OVER \$2500.00

TO THE ORDER OF
COMMISSIONER OF PATENTS AND
TRADEMARKS

⑈ 170329⑈ ⑆021000021⑆ ⑈967340306⑈



BAKER DONALD S. L.L.C.

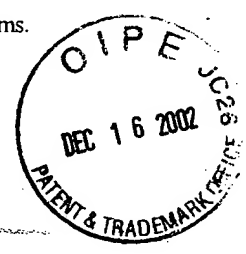
DEC 27 PM

TO

In Re:	Yu, Long	09/786,024
	(Applicant)	(Serial No.)
In Re:	AMENDMENT	12/9/02
		34054PCTUSA;
		072975.0110
	(Title of Paper)	(Date)
		(File No.)

The stamp of the Patent Office Mail Room hereon acknowledges the receipt of the above-identified papers on the date indicated by such stamp.

1. Transmittal form (1 page)
 2. Fee Transmittal form (1 page)
 3. Amendment (8 pages)
 4. BB check for \$168.00 for 2 additional independent claims.
- RKS/GFB



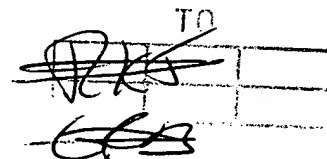
INITIAL RESPONSE

CERTIFICATE OF MAILING FOR AMENDMENT/REQUEST
FOR EXTENSION OF TIME APPENDED TO THE END OF
DOCUMENT FILED, EXECUTED BY ATTORNEY WITH
STATED FIRST CLASS MAILING DATE OF 12/9/02
SUCH BEING PRIOR TO THE EXPIRATION OF THE
ALLOWED PERIOD

[Signature]
INITIALS



3408 PAKE DTS P.
03 MAR 21 AM 11:14



In Re:	Long YU et al.	09/786,024
	(Applicant)	(Serial No.)
In Re:	Notice of Appeal*	March 10, 2003 A34054-PCT-USA
	(Title of Paper)	(Date) (File No.)

The stamp of the Patent Office Mail Room hereon acknowledges the receipt of the above-identified papers on the date indicated by such stamp.

* comprising:

Notice of Appeal (2 sheets)
Transmittal (2 sheets)
Petition for Extension of Time (1 sheet)
Fee Transmittal (1 sheet)
BB check #171135 for \$1,250.00



TIMELY RESPONSE

CERTIFICATE OF MAILING FOR AMENDMENT/REQUEST
FOR EXTENSION OF TIME APPENDED TO THE END OF
DOCUMENT FILED, EXECUTED BY ATTORNEY WITH
STATED FIRST CLASS MAILING DATE OF 3/10/03
SUCH BEING PRIOR TO THE EXPIRATION OF THE
ALLOWED PERIOD

Docketed

For

5/12/2003 by ML
5/12/03

INITIALS